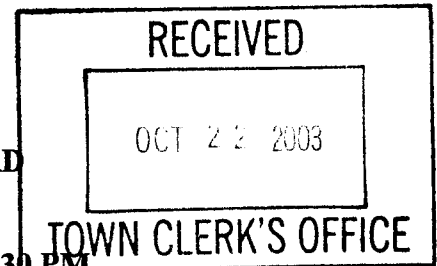




Town of New Windsor

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OFFICE OF THE PLANNING BOARD



WEDNESDAY — OCTOBER 22, 2003 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

ZBA REFERRAL:

1. **NEW WINDSOR EQUIPMENT RENTAL / TOWN OF NEW WINDSOR LOT LINE CHANGE (02-34) ARGENIO DRIVE (ARGENIO)**

REGULAR ITEMS:

2. **WOODLAWN MANOR SITE PLAN (03-17) HUDSON DR. & FOREST RD. (NEW HORIZON)** Proposed 130-Unit Townhouse Project.
3. **MARJORIE SAWYER SUBDIVISION (03-31) JACKSON AVE. & BETHLEHEM RD. (MC GRATH)** Proposed 16-lot residential subdivision.
4. **WAL-MART STORES SUBDIVISION (03-32) UNION AVENUE (RT. 300) (APD ENG.)** Proposed subdivision to accommodate expansion of existing Wal-Mart Store.
5. **WAL-MART STORES SITE PLAN (03-33) UNION AVENUE (RT. 300) (APD ENG.)** Proposed 70,000 square foot expansion of existing Wal-Mart Store.
6. **FIRST COLUMBIA SUBDIVISION (03-201) 555 HUDSON VALLEY AVE. (BETTE)** Two-lot subdivision to accommodate proposed 47,000 s.f. building.
7. **FIRST COLUMBIA SITE PLAN (03-202) 555 HUDSON VALLEY AVE. (BETTE)** Proposed 47,000 s.f. building.

DISCUSSION

ADJOURNMENT

(NEXT MEETING – NOVEMBER 12, 2003)

TOWN OF NEW WINDSOR

PLANNING BOARD

OCTOBER 22, 2003

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JERRY ARGENIO
THOMAS KARNAVEZOS
NEIL SCHLESINGER
ERIC MASON

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: JIM BRESNAN
RON LANDER

REGULAR MEETING

MR. PETRO: I'd like to call the October 22, 2003 meeting to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

ZBA REFERRAL:

NEW WINDSOR EQUIPMENT RENTAL/TOWN OF NEW WINDSOR LOT
LINE CHANGE (02-34)

Mr. Jerry Argenio appeared before the board for this proposal.

MR. PETRO: This is New Windsor Equipment/Town of New Windsor lot line change on Argenio Drive.

MR. ARGENIO: I'm a minority shareholder in New Windsor Equipment Rentals. While I will not participate in the voting, if any members have any questions or information they need in the property, I will partake in that discussion.

MR. ARGENIO: As you're aware, about the two years ago, we got an approval to conduct a storage of processed materials on this property we presently are leasing from the Town. The Town has since agreed to sell us the property if we can get through the approval process and continue to do this. Since the Town is exempt from these approvals, I need to get the approval.

MR. PETRO: This application involves lot line change as Jerry said to convey approximately 2.34 acres. The map shows the parcel from the Town to the New Windsor Equipment properties involved are in R-4 and PI zoning districts of the Town proposed use within the R-4 zone requires a use variance so that's why we're sending him to the ZBA for necessary variances.

MR. EDSALL: Mr. Chairman, if I can make the record clear for the ZBA, I spoke with the applicant, they've actually got two issues, one is the lot line change which really doesn't need a variance, it's actually the site plan amendment that would show the uses on the property in that other zone that require the variance, so in the referral, you should be clear to the ZBA that

we're sending over a site plan amendment which just happens to be part of the same overall action which includes the lot line change, actually going to end up being two applications in the long run.

MR. PETRO: Jerry, the property that surrounds the parcel that you want to join to yours, nothing is there now, correct? I know it's against the pond.

MR. ARGENIO: Nothing.

MR. PETRO: Wetlands or is there just nothing there?

MR. ARGENIO: You guys all have maps, there's a section if you look at the delineated area, the area that goes off the map is the present property of New Windsor Equipment Rental, this road comes in from Ducktown and presently back there now the fire department burns some cars now and then, and sweepers dump some stuff back there, but there's no activity, no residents, no nothing.

MR. PETRO: This land in reality would have no use to anybody other than to be joined to your property? It's not a parcel that could be--

MR. ARGENIO: I don't see it being developed, no. The access is a narrow lane that comes down between the two ponds, the only access, and, of course, I would not utilize that access, that access with the lot line change would just be utilized through my property again.

MR. PETRO: Does anybody have any questions? I'll entertain a motion for final approval.

MR. KARNAVEZOS: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the New Windsor Equipment Rental/Town of New Windsor lot line change and site plan amendment. Any further discussion from the board? If not, roll call.

ROLL CALL

MR. SCHLESINGER	NO
MR. MASON	NO
MR. KARNAVEZOS	NO
MR. ARGENIO	ABSTAIN
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. If you receive those variances, place them on a map and if you want to appear before this board again, you may.

MR. ARGENIO: When I appear, I'll have a full scale map.

MS. MASON: I'll send you all the paperwork.

REGULAR ITEMS:

WOODLAWN MANOR SITE PLAN (03-17)

Mr. Rusty Tilton of New Horizon appeared before the board for this proposal.

MR. PETRO: Woodlawn Manor site plan, proposed 130 unit townhouse project. This project involves development of the 71.8 acre parcel into senior residential complex with 130 townhouse units. The application is reviewed on a concept basis only. It's 130 units, how many are you allowed cause I know you had brought that number down at your request?

MR. TILTON: We've brought it down.

MR. PETRO: From?

MR. TILTON: From 151, we have 24 1/4 acres of usable land and one unit per 7,000 square feet, that equates to 151 units.

MR. PETRO: Mark, you say this is a special use permit also, what zone is this?

MR. EDSALL: The senior housing is the special use permit.

MR. PETRO: Going to the Town Board.

MR. EDSALL: Yes, you issue the permit but the Town Board's involved in the approval.

MR. PETRO: So when you went to the, you went to the condos, you're still with the senior residential idea?

MR. TILTON: I don't believe so, no.

MR. EDSALL: That was the last information we had.

MR. TILTON: The prior application was for a senior use this application is strictly condos.

MR. EDSALL: Then it wouldn't be special permit.

MR. PETRO: Strike that, I want you to strike all that wording and everything that has to do with senior because it has nothing to do with it. Everybody understand, this is no longer the senior project?

MR. TILTON: That application was withdrawn and the applicant decided to move forward.

MR. PETRO: With 130 condos in an R-5 zone?

MR. TILTON: Correct.

MR. PETRO: Show us how you're tying into--why don't you make your presentation? Not too long though.

MR. TILTON: It's 72 acres, we have Forest Drive, Cherry Lane and Hudson Drive. The site is unique in that it's surrounded by state regulated wetlands. We have buffers on those wetlands, we're left with this area here as being buildable, which is the 24 acres that I mentioned earlier. We also have buildable area up on Hudson Drive. The applicant has no intention of developing this property, this property would remain forever green due to the proximity of all the residents along Hudson.

MR. PETRO: How are you going to make that happen?

MR. TILTON: We can deed restrict that property or--

MR. PETRO: Andy, can you look into that and make sure that happens? You say one thing now and six years from now there's another 27 condos going in.

MR. TILTON: We'll be happy to restrict that in any way that the board would like. Our primary access is going to be coming off Forest Drive with the boulevard entrance, we're proposing an emergency access with a crash gate off of Cherry Lane that would only be used in emergency situations. Most of the site has significant buffer around it, we have 48 acres of wetlands and buffer so you can see that the majority of the residents are several hundred feet away from.

MR. PETRO: Mark, a couple of your comments I think are no longer going to apply.

MR. EDSALL: Right, any of the ones that pertain to Section 4823-1 are no longer pertinent.

MR. PETRO: Planning board may wish to authorize lead agency coordination letter for the project. Is anybody opposed? Make it a motion to do that then.

MR. ARGENIO: I'll make that motion.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize issuance of a lead agency coordination letter for the Woodlawn Manor--what's the new name?

MR. TILTON: Woodlawn Manor Townhouse.

MR. PETRO: Any further discussion from the board? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

MR. PETRO AYE

MR. PETRO: You see on number 2 verified wetlands plan will be required?

MR. TILTON: Wetlands have been flagged by the DEC and we're awaiting our validation.

MR. PETRO: You're not crossing any at this time, right, one application we're going out to Erie, we're not going out to Erie on this plan.

MR. TILTON: No, that's not happening, we do have an entrance that's going to be in the buffer that will require a permit but we're not going to be impacting any of the wetlands.

MR. PETRO: That entranceway also was that a boulevard type, I forget what we asked for?

MR. TILTON: Yes, provided a boulevard up to the main loop plus a second means of egress off Cherry that's a crash gate.

MR. PETRO: I would suggest that you have Mr. Kroll go down and take a look at the entranceway where that's located. I realize that's probably the best spot.

MR. TILTON: Sight distance wise, it's pretty level through there.

MR. PETRO: Have him go down, we can at least get it started, it's under review, but I would like to see something from him before we go too much further. Because you have 130 units coming out really that's a small road there.

MR. ARGENTIO: I have to tell you of greater concern is the intersection of Forest Hills Road and 94 to be honest with you, Jim.

MR. PETRO: Well, I think he should take a look at the whole thing, it's not that far off it, at least get something, we don't have anything here yet, fire is disapproved, you can read the reasons why he wants, he says insufficient details, so you have to get together with the fire department.

MR. TILTON: Can I get a copy of those comments from the fire department?

MS. MASON: I'll fax them to you.

MR. PETRO: I asked you also to look at the count of the units, you have a clubhouse, what do you have on this?

MR. TILTON: Yes, we do, we have a clubhouse, playground area and a pool.

MR. PETRO: Try to reduce the count a little further, he said he would do that and look at it, he being the last presenter that was here last time, I forget his name, mustache maybe.

MR. TILTON: Jay.

MR. PETRO: Can you look into that a little further to--don't want to sit here and design it for you, look at it, but again get Henry over there, Mr. Kroll, and look at that access point of both, what is it, Forest?

MR. TILTON: Onto Forest.

MR. PETRO: And Forest and 94, even though it's 94 is what, state?

MR. TILTON: State.

MR. PETRO: Let Mr. Kroll look at it and give us an

opinion. We can always contact the state. Mark, what else do you want to do tonight with this? Any of the members have any other comment or anything? This is a basic design layout you're showing us this the first time we're seeing this completed with the 130 units.

MR. TILTON: Correct, it's a different application previous that was withdrawn, so this, we've gone from the 151 to the 130, this is where we're at at this point.

MR. MASON: What about the crash gate, the board has been leaning towards not having those?

MR. PETRO: Well, I agree with that except in this particular instance, if you go down by Cherry Lane and know where Cherry Lane comes out, it's right across from the old Club Restaurant, it's really bad, so other than an emergency reason for using that, I certainly don't think it would be a good idea to have traffic through there.

MR. TILTON: I think it's right turn only coming out of there.

MR. PETRO: It's pretty bad but not bad enough that it couldn't be used for an ambulance or a fire truck if you had to. But for regular flow of traffic, I don't see it. But one of the reasons we had the roadway leading into a boulevard so in reality, you really have two loads going in in case one part of the boulevard is blocked off with a fire or something. And if you notice the point where it impacts the internal flow, it splits, so I think that's a pretty good idea right there and that was an idea that the board had came up with instead of going all the way across the wetlands and hitting Erie Avenue and worse which was on another application was connecting into Hudson which had everybody down there screaming so I think that this is really not a bad idea.

MR. TILTON: We do have two access points on Hudson that we're not going to be using.

MR. PETRO: To open them up would be a bad idea. I don't think it's a bad idea if it would have improved all traffic flow, but just for the internal here, I don't see it, such as Park Hill, Park Hill you're really improving all kinds of, there are two ways in, they don't have the boulevard access here.

MR. ARGENIO: They don't have the access like the Hudson Drive-Birchwood Drive neighborhood has either.

MR. PETRO: No, they have numerous access points.

MR. ARGENIO: I agree with you is what I'm saying.

MR. PETRO: That's all we're going to do. Do you have anything else?

MR. HILTON: That's it. We'll go out with Mr. Kroll and take a look at a T intersection and start to move on.

MR. PETRO: Get together with Mark, get him on board with the condos and get rid of the senior wording throughout everything.

MR. TILTON: I believe that was changed throughout the EAF.

MR. EDSALL: We have the new full EAF so we'll do our circulation with that new EAF, as long as, Myra, do you have enough copies for us to circulate?

MS. MASON: It's a single sheet with the map that they ask for now, Quad map.

MR. EDSALL: We need to, so we can send it to Parks and

Recreation, there's a location map on a USGS Quad, so you can send that over to Myra and also check with Myra tomorrow to see if she has enough copies for circulation.

MR. PETRO: You realize there's a water moratorium in effect, so this is all planned for some day when that's lifted and you're going to look at the count and see if it's tight somewhere, maybe you can lose a few.

MR. TILTON: Got it.

MR. PETRO: Thank you.

MARJORIE SAWYER SUBDIVISION (03-31)

Mr. Thomas McGrath appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of 33.3 acre parcel into 16 single family residential lots. Property is in R-1 zone of the Town. Plan includes bulk table. What's happening, Mark, you can't read it? Bulk information is correct, although table should include maximum permitted height 35 feet, the compliance table is incomplete, you can get together with Mark, see what he wants. Plan is very difficult to follow, he says.

MR. EDSALL: I think if they just used a different pen weight on the property lines, we can probably see. Yours are much darker than the ones we had submitted. I highlighted them so I can follow them but have your draftsman darken them up.

MR. MCGRATH: What we have is a submission here for a sketch plan approval for a 16 lot subdivision lands of Marjorie Sawyer located between Jackson Avenue and Bethlehem Road. There are 16 lots, one of which is the residence of Mr. and Mrs. Sawyer right now. We have given the information regarding lot sizes and net based on our best assumption of the wetlands conditions. At the time, we just had an idea from field observations, we've since had the wetlands flagged and surveyed and we'll be getting it on one of the next submissions.

MR. PETRO: Where is this coming off Jackson? Your location map up there, what's that off? Is that a Town map?

MR. MCGRATH: Yeah, this map in fact is--

MR. PETRO: Looks like a picture taken from the moon it's so small.

MR. MCGRATH: This was a map we got over in the, in Myra's office in the zoning area, we're northerly of where Jackson and Bethlehem come together, not very far northerly, if you can get a feel for that.

MR. PETRO: I know where this is, I just can't seem to place the--all right, the zoning I guess here is 80,000 feet, Mark, that's what we're doing, what's the size of your lots? What's your average lots?

MR. MCGRATH: They're all 80,000 just 80,100.

MR. PETRO: Serviced by well and septic?

MR. MCGRATH: On-site water and septic disposal.

MR. PETRO: You have an envelope for each lot, is that what the lines are, you made an envelope so the houses are going to be somewhere in the envelope?

MR. MCGRATH: Yes, we've indicated the setback lines per the bulk regulations.

MR. PETRO: Mark, do you have anything that sticks out you want to go over first?

MR. EDSALL: No, other than maybe we just touch on the bulk table just so everyone understands that the net lot area has to be that percentage of the gross number, so you should really show the required, I believe it's 48,000 in net with a gross being 80, you want to show the required net and the table should be expanded to include lot width and frontage and that way we'll know from a zoning standpoint each of the lots works. So maybe have that for the next round.

MR. PETRO: We have a note from the Highway Superintendent says he's concerned about drainage so we'll have to go over that in a little more detail.

MR. MCGRATH: As we advance that will be our next consideration is the drainage.

MR. PETRO: Cul-de-sac I guess meets requirements, I didn't look at it. Mark? And you're taking frontage off the cul-de-sac for the lots in the corner, looks like a big triangle?

MR. MCGRATH: Yes.

MR. PETRO: That's a very odd sized lot, you can put a house in the lot in the corner?

MR. MCGRATH: This one, yes, it can fit in here, septic would be here.

MR. PETRO: Where is the wetlands?

MR. MCGRATH: Wetlands we don't have identified yet but right now, it appears that the road is going to cross in two locations and there's some other areas throughout the lots but we don't have them plotted yet, we just got the information in.

MR. PETRO: Basically, you're here with a preliminary design.

MR. MCGRATH: Just a sketch plan approval type thing.

MR. PETRO: Mark, you don't think it's too early to authorize lead agency coordination letter? They don't have the wetlands plotted, you want to do it, we'll do it.

MR. EDSALL: We can either do it now or on the next plan when the wetlands are shown, either way, DEC's going to know there's wetlands here for sure.

MR. PETRO: Lot of stone walls in here. What's that

little spot, I can't--

MR. ARGENIO: Station 1250, just above the road, what's going on in there?

MR. MCGRATH: There's just drainage, that's just drainage.

MR. ARGENIO: What are the two lines going through the stone wall, a culvert of some sort?

MR. MCGRATH: I think this must be an existing passageway where the stone wall has over the years been busted out and it's been a passageway through the wall area.

MR. PETRO: It's pretty flat this whole piece, isn't it?

MR. MCGRATH: Yeah, it gently rises as you go to the east.

MR. PETRO: Do you have anything else you want to discuss tonight? I think you should get back together with Mark and start all your processes. Motion for lead agency coordination letter.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize a lead agency coordination letter for the Sawyer subdivision on Jackson Avenue. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER AYE

MR. MASON AYE
MR. KARNAVEZOS AYE
MR. ARGENIO AYE
MR. PETRO AYE

MR. PETRO: We need more for the Fire and Highway both, they need more information so you have to get together with them and it would appear on the plan that sight distance on the point of impact is substantial, so I don't see a problem there. Okay? Thank you.

WAL-MART STORES SUBDIVISION (03-32)

Mr. Derek Gardner and Kelly A. Pronti, Esq. Appeared before the board for this proposal.

MR. EDSALL: I believe it's a lot line change cause when I look at what I understand from looking at the survey it looks as if there's three lots there now and looking at the tax maps looks like there might even be 4 lots and they're ending having 3 so--

MR. GARDNER: Which one would be the fourth one?

MR. EDSALL: There's two lots.

MS. PRONTI: You're talking about the existing lots.

MR. EDSALL: I count 3 on your plan and 4 on the tax maps. The proposed plan results in three lots, so no matter how you look at it, they're not creating any new lots, if anything, we're going from 3 to 3, which is a lot line or if we're going from 4 to 3, it's a lot line change, so I don't think we need call it a subdivision after tonight unless I'm interpreting the plan wrong, I think it's a lot line change.

MR. PETRO: You've got me very confused so show me on the map so I know what we're doing. Do you have anything up there that you can show us the subdivision that we have in front of us?

MR. GARDNER: What there is is a Town line right here, okay.

MR. PETRO: What is it again?

MR. GARDNER: Town line, it's one parcel, it's 36 acres, okay, what we're proposing to do is we have future leased lot and we want to do an out parcel right here but it's part of these two parcels, we're

acquiring the Arnoff property, which is 6 acres, so when we require that, that's like changing the lot line there.

MR. PETRO: You're taking that building down obviously?

MR. GARDNER: Yes, taking the whole thing down.

MR. PETRO: This is forward of the storage, you're not touching the storage that was just put up?

MR. GARDNER: No, that's these buildings right here are all the storage buildings. The fourth parcel I didn't understand.

MS. PRONTI: There's 4 existing parcels.

MR. GARDNER: Four existing tax map parcels so we'd be making three parcels.

MR. PETRO: You're going to create.

MR. GARDNER: Well, the third parcel is the Wal-Mart, this would be a parcel and then that would be a parcel, so this would have its own tax ID number, this would be the out parcel that we'd sell off and the Wal-Mart would be a parcel, that's where we're getting three parcels from.

MR. PETRO: It's all one parcel now, forget the tax map but right now, subdivision shows one parcel.

MR. GARDNER: Subdivision, it's two parcels because we're buying Arnoff's property.

MR. PETRO: So two parcels.

MR. GARDNER: So we have Wal-Mart parcel and Arnoff's property, unfortunately, tax map shows a couple lot lines or other information due to tax reasons but

basically right now there's two parcels.

MR. PETRO: Is the Arnoff parcel going to remain exactly the same or is that going to--

MR. GARDNER: No, remove those properties lines altogether so--

MR. PETRO: Create a new lot in the front?

MR. GARDNER: Yeah.

MR. PETRO: Want to sell off or whatever you want to do where the bank is?

MR. GARDNER: Right next to the bank.

MR. PETRO: You're going to have the bank on the parcel plus additional land?

MR. GARDNER: I think that's one thing that's coming into the bank is their own parcel, actually, I think that's what the fourth parcel is.

MR. BABCOCK: No, the bank is definitely on its own parcel.

MR. EDSALL: Arnoff is two lots, start off with that, Arnoff is not one, it's two lots, so you might be acquiring two lots. Wal-Mart, you have it as being one large parcel, Newburgh and New Windsor, but on the New Windsor side, you show it as one parcel. The tax maps show it as two parcels. So we see it from the tax records, unless there's a new version this year that I'm not aware of that shows four total lots involved in this application on the New Windsor side, what you're telling me you want to make Wal-Mart side one lot, you want to take Arnoff, take them into your property?

MR. GARDNER: Yes, we'll be buying both parcels.

MR. EDSALL: But you don't want to create a separate lot, you have it shown as out parcel 1?

MR. GARDNER: That's going to be its own parcel.

MR. EDSALL: You have to explain to me what you want, you want to have a separate lot you can sell?

MR. GARDNER: Yes, our parcel one is going to be one that we'll sell.

MR. EDSALL: What's the leased parcel?

MR. GARDNER: Going to get its own tax ID number but going to be owned by Wal-Mart.

MR. EDSALL: So that's a separate lot, we don't deal with lease lines, bottom line you want two lots and Wal-Mart--

MR. PETRO: Mark, hold it up a second, why are you before the planning board tonight? Sounds like we're doing workshop work.

MR. EDSALL: No, it's--

MR. PETRO: I don't have any idea, that's not a subdivision plan or a lot line plan.

MR. EDSALL: They've got two things.

MR. PETRO: Was that plan--

MR. GARDNER: This is the expansion, this is the site plan.

MR. PETRO: Let's take that down. Show me a plan of the parcels and what we're doing now. If I'm confused, I think everybody else has to be somewhat, I don't

understand.

MR. GARDNER: I didn't understand the subdivision parcel but it's part of the ordinance that a subdivision has to be created before the site plan can proceed.

MR. EDSALL: I'll post this but pink is what exists, orange is what they're proposing.

MR. ARGENIO: Yellow's Town of Newburgh/Town of New Windsor line.

MR. EDSALL: You've got two lots here which are going to be two lots re-configured.

MR. PETRO: You're going to want this as a new lot, this is a new lot and then the remainder's a lot?

MR. EDSALL: Yes, starting with two, just making these two smaller and re-configured and this whole piece remains as is.

MR. GARDNER: You see there was a second parcel.

MR. EDSALL: There's another lot line shown but it may have been mentioned and we're just not aware of it, either either way you're--

MR. GARDNER: That's why I didn't understand but I guess we can look at the tax map.

MR. ARGENIO: We're going to send you guys the bill for his services for tonight.

MR. EDSALL: It took me a while to figure it out, so I had to get the highlighters out.

MR. PETRO: Put it up there so the rest of the members can see what I see, that's little bit more

understandable.

MR. GARDNER: I'm Derrick Gardner with EPD Engineering, Wal-Mart is my client.

MR. PETRO: Do it one more time so everybody can have the benefit of all those pretty lines.

MR. GARDNER: The reason we're here, we want to create a site plan. Before we can create the site plan, we need to be able to do a subdivision map is the way it's explained to me because you have to have your subdivision approved. What's happening is we're acquiring in the orange here or in the pink here, Arnoff's property, Arnoff is two parcels, okay, this other pink over-line is the Wal-Mart parcel, what's not shown on here, unfortunately, which I'll check into is there's a tax map line that comes off this corner and runs across here which shows it as being 4 parcels so that's why Mr. Edsall considered this as a lot line change, it's still going to be a lot line change of going from 4 parcels down to three parcels. The three parcels are the orange here, this being an out parcel that will be sold, this orange here which will be a leased parcel that Wal-Mart will retain but it will get its own tax ID number and will be a parcel and then the rest of it will be Wal-Mart's property.

MR. PETRO: I have no problem, I can see what I'm looking at.

MR. GARDNER: Good, I hope hope so.

MR. EDSALL: That's why I colored it because I had to backtrack to figure out.

MR. PETRO: You did all the colors?

MR. EDSALL: I've got to get back to grade school every once in a while.

MR. GARDNER: So I'll check into the tax map a little bit further and find out if this is actually four or three parcels, either way, it's still a lot line change.

MR. PETRO: Parcel's going to be created, they're not creating any non-conforming setbacks?

MR. EDSALL: No, one of the things that I pointed out in my comments they should really take just that survey plan and for the lot line change application use one plan, one sheet with a bulk table on it showing that those two lots meet the zoning, I believe they do but they haven't really shown it yet.

MR. PETRO: Size and frontage and all that I don't have any clue that any of that is correct.

MR. ARGENIO: That's a survey plan.

MR. EDSALL: Purely a survey plan single sheet.

MR. GARDNER: We have an overall parcel we'll be submitting a subdivision plan specifically for the subdivision.

MR. PETRO: So basically you're asking tonight conceptually if there's a problem with you changing the lot lines to those configurations, if there isn't any problem, prepare a map so we can look at it.

MR. GARDNER: Yes, I didn't find out about the subdivision lot line until the end of last week.

MR. PETRO: Did you ever hear of Wal-Mart?

MR. GARDNER: Yes.

MR. EDSALL: Question that involves creating the two

lots, one of my comments was we should discuss with them access to those two lots, do we really want them accessing right out onto the state highway or from a safety standpoint? And I guess the SEQRA standpoint which the Town of Newburgh will be looking at, should those two lots access from the internal access main road? I think that comes down to your long term plans, you may need to talk to Wal-Mart and have an answer.

MR. GARDNER: We'll show conceptually where we'd be planning.

MR. EDSALL: We don't really care where you would gain access from the inside but from the standard point of traffic flow, it's determined that it's not appropriate or safe to have access out onto 300, it may be that the subdivision may have a condition where it's deed restricted that you can't access out onto the state highway. Now if it needs to be a limited access, fine, but find out what they want to do.

MR. PETRO: Mark, my next point is I would say on this lot line change Town of New Windsor is absolutely going to be lead agency, it's all 100 percent in the Town of New Windsor.

MR. EDSALL: Well, it all depends, if you consider this a separate action or if you just let the whole thing go as one action, I don't know that you can separate the two.

MS. PRONTI: I don't think you can under segmentation under SEQRA, it's all one big package.

MR. GARDNER: That's part of the misunderstanding is that I thought that site plan we were coming in with a site plan and part of the site plan we were going to do a subdivision, it was later explained to me that the subdivision has to be created first before a site plan can be approved. Is that the ordinance?

MR. BABCOCK: You really can't approve a site plan on something that doesn't exist, the property has to exist.

MR. PETRO: I still don't understand or accept the fact that the Town of Newburgh would be creating lot line changes in parcels in the Town of New Windsor.

MR. EDSALL: They're not. What happens under SEQRA if there's, if one action includes several aspects or several components, a lead agency would be lead agency for the total action, same as the Cornwall Commons application which has New Windsor elements of 60 some lots in Cornwall, commercial development, Cornwall was lead agency, they reviewed the New Windsor portion.

MR. PETRO: We're going to look at it.

MR. EDSALL: And provide your comments to Newburgh.

MR. PETRO: Will we take final?

MR. EDSALL: You can't do any final action until the SEQRA process is done. But there's no sense doing the lot line change too swiftly because they still need the site plan approved so they've got to go hand in hand.

MR. BABCOCK: Little confusing.

MR. EDSALL: We'll get you there.

MR. PETRO: Well, it's not like a two lot subdivision. Okay, so what do you want to do now?

MS. PRONTI: Shall we move on to the site plan?

MR. EDSALL: I'd move on now, assuming that the lot line change has no problems and that moves forward now they want to show you what their goal is.

MR. PETRO: We'll assume that there's no problem and you can move ahead at your own risk and show us what you want to show us for the site plan.

MR. GARDNER: We can provide a subdivision map showing bulk tables and what would be happening for I guess conceptually is this okay?

MR. PETRO: You have to realize you're going to use all New Windsor bulk table information to create these lots when you pass it over to the Town of Newburgh for review.

MR. GARDNER: Absolutely.

MR. EDSALL: Their review is purely the environmental impacts and the only one I see from this lot line change is access, how are we going to access these two resultant lots?

MR. GARDNER: I know Wal-Mart's intent to be internal, we do not plan to go onto Union Avenue, there's been, there's a big traffic concern with that, we do not, if you want to then when the single sheet lot line change plan is made for those two lots add a note to the plan that references that no access will be made to the state highway from those two lots, that the access must be from the internal road network and that will be on the plan.

MR. PETRO: They may not like that on the leased parcel but you can ask it.

MR. KARNAVEZOS: But the problem is that's right around that corner and it's, you already have traffic problems at Wal-Mart with people coming down 300 and you can see the cars coming, you know, if you're heading south and people still pulling out, if you come around that bend, there's no way I don't think DOT would give them

access, would they?

MR. GARDNER: That's the other thing DOT is not going to give you driveway access with the amount of access already on this and the signals and they're not going to give us access especially because it's going to be so close to this intersection, DOT won't give it to us anyway so that's why we're not planning and we have no intent to be accessing.

MR. PETRO: How many parking spots are you increasing this entire site?

MR. GARDNER: We're going to, I think it's like 750, we're going to 1,167, we can get into that.

MR. PETRO: I know we're going to get there.

MR. SCHLESINGER: The piece on the bottom, the triangle piece, that's presently the bank?

MR. BABCOCK: Yes.

MR. SCHLESINGER: The piece right next to it which is that piece right there is a piece you don't want to keep?

MR. GARDNER: Yeah, this piece, well, would be the one for sale.

MR. SCHLESINGER: Aren't you showing the roadway through it?

MR. GARDNER: What we're showing is a possible future driveway connection, might be something that we can take into consideration.

MR. SCHLESINGER: And if you don't keep that whoever is going to make use of it is going to want access off the highway also.

MR. GARDNER: No, no, we don't want to give this parcel highway access.

MR. SCHLESINGER: Right, it would have to be through some sort of traffic flow internally.

MR. GARDNER: We'll deed restrict that.

MR. SCHLESINGER: And that you're going to keep?

MR. GARDNER: Yes.

MR. SCHLESINGER: And the overall purpose of what our goal is here we're getting to?

MR. GARDNER: Yes.

WAL-MART STORES SITE PLAN (03-33)

Mr. Derek Gardner and Kelly A. Pronti, Esq. Appeared before the board for this proposal.

MR. PETRO: Okay, you're going to show us the site plan now? Why? I really don't know why are we looking at the site plan?

MR. EDSALL: We have some basic issues we have to agree on for how to handle it.

MR. PETRO: You ready?

MS. PRONTI: Wal-Mart's proposing expansion to the already existing 126,069 foot retail building that's there located on the west side of Union Avenue in the Town of Newburgh presently. As proposed, it will exist in the Town of Newburgh as well as the Town of New Windsor. Of the proposed expansions phase, 23,000 square feet will be located in the Town of New Windsor. The area that will expanded into the Town of New Windsor will primarily be the grocery store portion, I don't know if you know anything about the Super Centers, but they include the retail as well as the grocery section. As previously stated, we'll also have a leased parcel as well as a proposed out parcel. As you probably already know, we met last week with the Town of Newburgh Planning Board, I just thought that I'd give you some of the issues that they raised.

MR. PETRO: Workshop or meeting?

MS. PRONTI: At a meeting. Since most of the project does exist presently in the Town of Newburgh, they've indicated this they're willing to act as lead agency and assuming that you consent with that, that would probably be the preferred course of action. They also indicated that they would like the consultants to work with one another, that being the Town of New Windsor

consultants as well as the Town of Newburgh's consultants and we'd present to each board after we meet with the consultants and then they also provided us with comments to the plan and we're willing to present those to the board this evening if you'd like to look at those. And Derek will obviously provide you with a better description of the site plan but I just wanted to give you an overview.

MR. PETRO: Mark, let me think for a second before I say something that I'll regret later. You want to go over some technical things? I just want to know technical items that you need to clear up and I'm not interested in second guessing the Town of Newburgh site plan, I'm not interested in seeing a site plan to be honest with you, other than what we need to do, there's no sense if somebody had to look at our site plans after we already reviewed it, I'd be annoyed.

MR. EDSALL: The issues we need to deal with is how we want to deal with the fact that the property, the Wal-Mart property is split by the Town line and how I normally recommended that that be handled and would have to be agreed to by both the New Windsor board and the Newburgh board is that because there's such, number 1, the building is split, number 2, the access, the parking, all the facilities are going to be split between the crossing the Town line, is that we work out the ability to take the two tax parcels from the two towns and deed restrict those so that they're permanently merged, in effect, that they can't be sold separately, they can't be developed independently, that any modification would have to have the concurrence of both boards involved.

MR. PETRO: Mark, what parcels are in both towns because the Town line you told me does not create, is not a property line, so there are--

MR. EDSALL: It isn't a property line, you've got two

tax map parcels.

MR. PETRO: The large parcel?

MR. EDSALL: There's one large parcel that's split by a Town line that created two tax parcels, some boards and I'm not saying this board is one of them, would take the approach that the Town line is a line that you need to have setbacks from. I personally think first thing we should get out of the way that that's inappropriate, that that's just a Town line.

MR. ARGENIO: So the description of the New Windsor parcel ends at the Town line?

MR. EDSALL: Exactly.

MR. ARGENIO: Does not extend into the Town of Newburgh because it's another municipality.

MR. PETRO: Why would you have setbacks from a Town property line? Doesn't even make sense.

MR. BABCOCK: In theory if the Town of Newburgh gets a property line because there's two tax maps.

MR. EDSALL: Relative to the Town of New Windsor that's the end of the New Windsor parcel so there have been boards and I don't agree with them who have decided that line means that there's a setback that has to be added to it and if they were sold separately, you wouldn't want a building right up to the property line and theoretically with two tax parcels, they could be sold separately.

MR. ARGENIO: But the Town of New Windsor building requirements would apply in the Town of New Windsor and the Town of Newburgh building requirements would apply in the Town of Newburgh with the exception of the line we're talking about?

MR. EDSALL: Right.

MR. PETRO: But you're talking about building department?

MR. ARGENIO: Yes.

MR. EDSALL: But in the fact that they're developing the two tax parcels in common, all I'm saying we should deed restrict them so that they're merged for purposes of development, so that they can't be sold and that they will have to be treated as a single unit. That way, you can't have one side sold versus the other. It's very unlikely but there have been cases where parcel split by a Town line have been sold separately. Here it's not going to happen, it's going to be the building straddling the line but just as a protective measure, just deed restrict them, restrict them so they can't be sold.

MR. PETRO: What's wrong with that? Makes sense to me.

MR. EDSALL: If you're agreeable to that, we've talked about it at the workshop, I don't think Town of Newburgh is going to think it's too much of a crazy idea, but at least that way we know there's no setbacks that we've got that issue totally out of the way.

MR. MASON: Can I just ask a question cause I'm a little bit confused? But what you're saying with the expansion the grocery store part is going to be in New Windsor?

MS. PRONTI: A portion of it.

MR. EDSALL: It's going to straddle the line.

MR. MASON: That line is the Town line?

MS. PRONTI: Yes, sir.

MR. MASON: Okay.

MR. SCHLESINGER: That Town line runs right through the driveway.

MR. BABCOCK: Right in the middle of the brown.

MR. SCHLESINGER: With the access egress.

MR. BABCOCK: Right along the bank.

MR. SCHLESINGER: Access, most of the access is in Newburgh so it's all in Newburgh except for the curb.

MR. BABCOCK: That's right.

MR. PETRO: The Town line is not a property line.

MR. SCHLESINGER: I understand that. By virtue of a deed restriction, you're going to treat it even though it's not actually that way you're going to treat it as one parcel cause you can't do one thing with one half and you can't do another thing with another half.

MR. BABCOCK: In theory, if you called it a property line, they'd need variances because they're right up against the property line with the building.

MR. ARGENIO: Matter of fact, they're on it.

MR. EDSALL: We want to make it clear there's no need for variances, it's not a setback line.

MR. PETRO: Anything else?

MR. EDSALL: The only other issue which I don't know if they've thought about any further since the workshop, the entire parking facility is based on Newburgh's

parking standards, which I believe are 9 1/2 by 18, so we've got to tell them one way or the other that they've got to use New Windsor parking spaces which are 9 by 19 instead of 9 1/2 by 18 on one side of the site or they can use Newburgh standard.

MR. PETRO: I think the Newburgh standard's fine, I think that's so picky, it's a good point and fine, it's the bulk of it anyway.

MR. EDSALL: So you can follow the one standard for the entire site.

MR. SCHLESINGER: What about water and sewer?

MR. KARNAVEZOS: Sewer is us and water is Town of Newburgh.

MR. GARDNER: Correct, well, actually, sewer is for the expansion, the sanitary sewer will be for the expansion, the water actually will just service from Newburgh.

MR. SCHLESINGER: Is sewer going to be Newburgh or New Windsor?

MR. GARDNER: New Windsor, the sanitary sewer will be New Windsor for the expansion area, just for the expansion, there's already an existing service for the building, the existing building.

MR. MASON: And you can't tie that into the existing?

MR. GARDNER: No, we have our plan, we specifically, actually, Newburgh cannot accept anymore sanitary sewer so we cannot touch.

MR. SCHLESINGER: Therefore, you're lucky.

MR. GARDNER: It does actually work a little bit in our

favor by having the Town line here because now we can have New Windsor sewer, we can send our expansion to New Windsor.

MR. PETRO: Thank you.

MR. EDSALL: The second bullet under comment number 2 you can disregard because Mike advised me that the issue of which portion of the expansion are served by New Windsor sewer has already been resolved, so that's not a problem.

MR. PETRO: Okay, anything else that you really need to go over?

MR. EDSALL: Those are the only two issues.

MR. PETRO: Parking and the deed restriction?

MR. EDSALL: Right.

MR. PETRO: They are not lots but the Town line, let me ask you this, just being you're here, might as well take advantage of it and ask you a couple site plan issues that I'm sure they're going to go over very diligently, but one to me right away I see is the traffic control, the traffic itself, you're creating 3 to 400 new parking spots, you're not creating any new access points that I see?

MR. GARDNER: Well, actually, this is a new access point, this right here, the new access point.

MR. BABCOCK: Where Liner Storage is.

MR. PETRO: By the storage.

MR. BABCOCK: When they tear that down--

MR. GARDNER: We're tearing down all this and we're

going to redo that intersection, we're going to re-stripe it and we're going to add a secondary entrance, actually just the main reason for this is for access we're trying to get rid of the trucks from here to here.

MR. SCHLESINGER: Are they going, is there going to be any outbuildings proposed?

MR. GARDNER: Sheds or anything like that?

MR. SCHLESINGER: No, I mean, a gas station?

MR. GARDNER: The parcels will be outbuildings, we're not proposing anything with this site plan.

MR. PETRO: Internally, I don't see, I go there, do some shopping there and sometimes, whatever I do there, it's not so much the light, I walk around, buy things, you know, it's not the accessing of Union Avenue, I can't get to it, in other words, when I'm trying to leave your parking lot there, the line of cars is stacked from the light passed those entry points from the parking area and sometimes, it's almost impossible unless you create a, get in there with your bumper and try to get in somehow. What are you going to do about all that?

MR. GARDNER: What we're going to do we've actually done a traffic study to determine this and part of our determination we're going to do a dual lefts out of there, we're going to modify. What happens is is the bank, it's kind of real narrow in front of the bank and it goes wide, we're going to extend that double lane beyond the bank so we're going to make that a dual lane leaving the site, it will be a dual left with a shared road. And then secondly, we're also going to do a curbed island right here to help bring the people and these are dual lanes also for the people coming around the corner.

MR. PETRO: The other access over by Applebee's I think it's restricted no left turn, why is that?

MR. GARDNER: That's probably a DOT deal.

MR. PETRO: Why? I go there, I look at it, I have sight distance further than I can see and why is that restricted? Maybe that's something that should be looked into.

MR. GARDNER: Okay.

MR. PETRO: I can't, if I want to go towards 84, I always had to go out the other entrance. If I can go out that way, my car wouldn't be over there.

MR. GARDNER: I think it's because they don't want people stacking because they only have one exit, they don't have a dual exit for people to turn right and left that they want people, they don't want people crossing there because it's not a signaled intersection.

MR. PETRO: I don't know, we're only guessing anyway but I'm just suggesting maybe look at that, maybe John, do you know why it was done that way?

MR. EWASUTYN: I think there's a lot of things that I could respond to but the easiest way to respond to it is, and for the record, my name is name is John Ewasutyn, I'm Chariman of the Town of Newburgh Planning Board. We had suggested in the opening statement that there be a joint meeting. We have a planning consultant on board, we have a landscape architect on board, we have Craig Manning, who's reviewing the traffic on this. We have Ed Garling, who's our planning consultant. And we have Mike Donnelly, who's our attorney. And what we're proposing is that there be a joint meeting between our consultants, your

consultants, yourself, Mr. Petro, as Chairperson and myself to bring these issues forward and have a clear understanding of the direction that we're heading in. And I think a lot of that can be discussed. When we approved that project and again, we used Craig Manning as our traffic consultant, we were looking to mitigate the impacts of left turns onto Route 300 for a safety issue and that was coordinated with DOT. But I think again the purpose of my understanding and this was supposed to be presented at this meeting that we would have a joint meeting so everyone would have a clear understanding of the direction that we're going and that will be coordinated through Pat Hines and Mark Edsall since they work in the same office together.

MR. PETRO: Thank you. At this time, I want to ask any of the members do you have any other questions that they want to bring up about the site plan, just in general, while the applicant is here because we may not see it again as a board?

MR. EDSALL: You will see it. You have to see it at the end to take action, number one, as an involved agency, even when they mean the Town of Newburgh Planning Board reaches a determination, you're going to have to reach a determination to either agree or disagree with their findings. Secondly, before the end of this whole thing, they're going to have to come back for the final lot line change approval and also site plan approval which will affectively need your concurrence with the piece of New Windsor.

MR. MASON: The two parcels that are in New Windsor, they're going to be created?

MR. EDSALL: They'll have to come back independently as separate site plan applications.

MR. PETRO: To New Windsor.

MR. MASON: But getting in and out of those parcels we're not going to allow access to the highway.

MR. EDSALL: I'm suggesting that, that I believe is a good idea, obviously, we can't impose that but if Wal-Mart already has reached the same conclusion.

MR. MASON: So if I buy that property and Wal-Mart tells me you can't use our exits no more.

MR. EDSALL: They would have to create on the plans number 1 a restriction that says you can't access the state highway but number 2, rights of ingress-egress through Wal-Mart's main loop road.

MR. GARDNER: Right now the bank has their access.

MR. MASON: Believe me, I've been there, trust me, you don't want to go there.

MR. GARDNER: The bank has it right now with Wal-Mart, they have a lot of deed restrictions written into the deed that the bank retains that.

MR. MASON: Go there at noon on Friday.

MR. GARDNER: Not talking about the entrance, I'm just talking that Wal-Mart cannot tell the bank you no longer have entrance, they have to provide them and there's deed restrictions.

MR. MASON: You're getting pretty far back away, you know, I think, anyway, I don't know, there's a couple ways that you may want to get out into the old Arnoff road, is that a Town road or is that private?

MR. BABCOCK: Yes, Liner Road is a Town road.

MR. MASON: Something to look at anyway. I'd hate to see somebody buy that piece of property and not be able

to get out anywhere except through the Wal-Mart parking area, just my personal opinion, that's all.

MR. PETRO: Tom?

MR. KARNAVEZOS: You had mentioned something about the trucks coming out onto Liner Road?

MR. GARDNER: Yes.

MR. KARNAVEZOS: That's, like you said, there's going to have to be a traffic light or something, I guess you guys are going to work that out, but cars can't get out and make a left-hand turn without people locking up their brakes on 300, you try and get a tractor trailer and of, they're tell you they have a very difficult time getting out, it's such a bad corner right there.

MR. PETRO: You're going to redo the corner.

MR. GARDNER: We're redoing it and we're going to do a proposed signal there.

MR. KARNAVEZOS: Signal there too?

MR. GARDNER: Yes.

MR. KARNAVEZOS: I'm going to have to bring lunch to get from New Windsor to Newburgh.

MR. GARDNER: I believe that's the intended proposed signal.

MR. PETRO: Gentlemen?

MR. SCHLESINGER: Just parking flow of traffic major.

MR. PETRO: So I guess we're going to have a coordinated meeting with myself, Town of Newburgh and the consultants.

MR. GARDNER: That was our intent was to come here and ask for your approval for a meeting with our consultants, yours and Newburgh.

MR. PETRO: So we did all this for nothing?

MR. GARDNER: We'd like to present the project to you guys so you have an understanding of what's going on. We want to keep both boards informed at all times. We're not trying to be sneaky with just doing one thing in Newburgh, one in New Windsor, we're going to keep any information that's submitted to one board copied to the other board. We would like to meet with both your consultants, with all your consultants, I've talked to Mr. Hines and as soon as tomorrow I'm going to speak with him again and we're going to try to set up a meeting where we'll get all the consultants together, we'd like to get all the Town of New Windsor's comments from their consultants so that way when we come to the board, we can have all the comments addressed as best as we can.

MR. EDSALL: One formality which would be a real good idea to get out of the way for the board to consider a motion agreeing with the Town of Newburgh Planning Board being lead agency for this overall action.

MR. PETRO: I heard that.

MR. EDSALL: Very similar to all the other applications we've done where Meadowbrook which straddled the Cornwall-New Windsor line, you took lead agency because the majority was in New Windsor, for Cornwall Commons, Town of Cornwall took it because the majority was in Cornwall. Here it's Newburgh and New Windsor and the majority is in Newburgh, somebody's got to be lead agency and I think it's appropriate that they take that.

MR. PETRO: But it's a coordinated review.

MR. EDSALL: Yes, ultimately, they're going to reach a determination that you at the end have the option either of agreeing with or disagreeing with but they take the lead role.

MR. GARDNER: That's only for environmental.

MR. EDSALL: You still have all the approvals.

MR. GARDNER: You guys still have, even if Newburgh agrees and says we have site plan approval, you still have a say in the matter.

MR. PETRO: Motion that Town of Newburgh Planning Board become lead agency for the Wal-Mart, Super Wal-Mart site plan.

MR. ARGENIO: I'll make the motion.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize that the Town of Newburgh Planning Board be the lead agency in the application of Wal-Mart site plan, I guess, and it's a coordinated review for lot line change also.

MR. EDSALL: For both, yes.

MR. PETRO: Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

October 22, 2003

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MR. PETRO

AYE

FIRST COLUMBIA SUBDIVISION (03-201)

Mr. Chris Bette appeared before the board for this proposal.

MR. PETRO: This application proposes subdivision of Parcel M currently 18.2 acres into two commercial lots. Application was previously reviewed at the 25 June 2003 planning board meeting. No specific use, right, Chris, just want to subdivide it?

MR. BETTE: We're planning which you're going to hear later is a general office use.

MR. PETRO: Two lot subdivision. Now, this is the one behind the existing so we're just trying to lop it off?

MR. BETTE: Yeah, we're going to create a tax parcel for the benefit of having a tax parcel so the building can be--

MR. PETRO: Highway approval on 10/17/200, Fire approval on 10/18/2003. Mark, I don't think you have any comments because this is a very simple and minor in nature?

MR. EDSALL: I had comments last meeting and Chris has corrected all the items we needed to fix the plan up, it's in good shape.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board take lead agency for the First Columbia Parcel M.

MR. EDSALL: You don't have to do SEQRA at all because as you recall, it's in the EIS, so the EIS is done, SEQRA's closed.

MR. PETRO: Okay, so we don't have to waive the public hearing or do anything like that, right? Motion for final approval.

MR. KARNAVEZOS: So moved.

MR. EDSALL: May want to waive the public hearing because remember we had said that you want to have the option so just why don't you get that on the record if you don't want to have a public hearing.

MR. PETRO: Entertain a motion to waive the public hearing for the First Columbia Parcel M minor subdivision.

MR. KARNAVEZOS: So moved.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the First Columbia Parcel M minor subdivision. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I'll entertain a motion for final approval.

MR. KARNAVEZOS: So moved.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the First Columbia Parcel M minor subdivision. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

FIRST COLUMBIA SITE PLAN (03-202)

Mr. Chris Bette appeared before the board for this proposal.

MR. PETRO: This application proposes development of a subdivided parcel from application prior as an office building. The plan was previously reviewed at the 26 June 2003 planning board meeting. We've looked at this one time before, correct?

MR. BETTE: Yes. Roughly we brought this in over the summer while we were going through the EIS process to inform the board of our plans and reviewed it conceptually at that time. I had gone through some, a workshop and incorporated some comments that I received here to get to this point, again, it's a two story general office building. We're going to market it for either medical use or general office use. We've got access points from both sides of the building, we've got kind of a unique situation where we have a front door from both sides of the building, the 4 1/2, roughly 4 1/2 acre parcels allows the building to still maintain about 35 percent of that as green area. We're going to, utilities are in the streets, Hudson Valley Avenue would be the water connection to the new 12 inch water line installed for the medical building, sanitary sewer's in the Avenue of the Americas. Those would be just building service laterals. As you can see, access points off Hudson Valley Avenue and Avenue of the Americas and our landscaped plan is going to try to maintain as many existing street trees that are there, some of them are in still in good shape, we want to keep those and supplement those with additional trees along Hudson Valley Avenue.

MR. PETRO: Mark, your first comment is 2 lot subdivision to accommodate proposed 47,000 square feet, plan is showing 49,000 feet, did you do your calculations and everything on the 49,000? I remember

47,000 too.

MR. BETTE: I may have tripped Mark up on that.

MR. EDSALL: I changed when the--

MR. BETTE: It got bigger from the time we were here in June to the second workshop.

MR. PETRO: My question would still stand, did you review the parking regulations and other items on the 49,000?

MR. BETTE: Parking is per code for the 49,000 square feet, we're providing 249 spaces where we're required to provide 245.

MR. PETRO: Mark, you can verify that?

MR. EDSALL: They changed it. Do I say 47 in my comments someplace?

MR. PETRO: On the cover page and I also remember it being 47,000.

MR. EDSALL: On Myra's sheet there.

MS. MASON: Well, they never changed the application.

MR. EDSALL: We can keep up with them. No, what happened I think is Chris changed the footprint of the building slightly and it went from 47 to 49.

MR. PETRO: All right.

MR. BABCOCK: Mr. Chairman, the parking spaces were based on 49,000 square feet, one per 200 requires 245 and they're providing 249.

MR. PETRO: Where's drainage for this site going?

MR. BETTE: Drainage is all going to a temporary detention facility, as you recall on our EIS, we had designated an area a little further east as our regional detention facility until we get to that point, we were going to provide a temporary detention facility with the ultimate drainage going to where it goes today.

MR. PETRO: The existing building also goes to the temporary one or is there another one?

MR. BETTE: Existing building actually flows out into a lower area on our property.

MR. PETRO: Separate?

MR. BETTE: Yes, we're going to build this one to comply with the new Phase 2 storm water regulations.

MR. PETRO: Are you bonding any of these? I asked that if he gets these built and they're working and he decides to go to Argentina, and I use that country again cause I like it, what happens with these small detention ponds as they're not in the district? You're not forming a district?

MR. EDSALL: No, I'm not aware of any requirement that, to bond these type things as we're going.

MR. PETRO: Just be sitting there and if it didn't get built, the bigger one that would be it?

MR. EDSALL: I don't believe you're bonding those improvements that are shown in the EIS.

MR. BETTE: No, this building will be able to stand on its own, I mean, until somebody else puts a, if I were to go to Argentina, which I've never been to, obviously, someone else would have to do something but

this parcel itself would comply with the new storm water regulations.

MR. PETRO: Lighting, central lighting?

MR. BETTE: We have LSI parking lot fixtures, shoe box style down lighting typical, I think we provide a half foot candle at a minimum throughout the parking lot and along the back side.

MR. MASON: Going to be similar looking to the other building, right?

MR. BETTE: The building and the lighting and everything will match the medical building, we're going to have an earth tone light brick with the green glass again.

MR. PETRO: Any tenants?

MR. BETTE: We don't have any tenants. At the time when I was here in June, we had an oncology group that was looking for 10,000 square feet and we were working towards that and they've since then decided to go someplace else.

MR. PETRO: So you're going to do what they call a field of dreams, build it and they'll come?

MR. BETTE: Correct, we're constantly responding to inquiries for space. We don't have any space, our medical building has about 1,000 square feet left in it and 33 has about 700 feet in the basement, so we don't have any inventory.

MR. ARGENIO: You need to have a certain threshold to be out there advertising.

MR. BETTE: We need to have something, we can't react quickly without any space.

MR. PETRO: Okay, Mark, do you have anything else?

MR. EDSALL: I have two very minor corrections which are on my comments, so I think that if you want to get the public hearing issue out of the way, I believe you could make an approval if you're so inclined.

MR. PETRO: Planning board should determine for the record if a public hearing will be required for this site plan per its discretionary judgment under Town local zoning law. I'll poll the board. Mr? Schlesinger.

MR. SCHLESINGER: No.

MR. PETRO: Do you feel we need a public hearing?

MR. SCHLESINGER: No.

MR. MASON: No.

MR. KARNAVEZOS: No.

MR. ARGENIO: Internal it stands on its own, I say no.

MR. PETRO: I also agree with you, no, so I'll entertain a motion to waive the public hearing.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the First Columbia at 555 Hudson Valley Avenue site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. MASON AYE
MR. KARNAVEZOS AYE
MR. ARGENIO AYE
MR. PETRO AYE

MR. PETRO: Planning board should require that a bond estimate be submitted in accordance with Chapter 19 of the Town Code. You realize that?

MR. BETTE: Yes.

MR. PETRO: Subject-to's would be the detail for sign number 3 is wrong and it has to be correct as stated and bulk table still needs some corrections, all are minor in nature, therefore, I would not hold up the site plan because of these two items but they'd be a subject-to any before anything is stamped. Any other comment from anybody in the room? We have Highway approved 10/22/2003 and Fire approval 10/18/2003. If there's no further comments, entertain a motion for final approval.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the First Columbia 555 Hudson Valley Avenue site plan subject to everything I just mentioned prior in the comments. Any further comments from anybody? If not, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. MASON AYE
MR. KARNAVEZOS AYE

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MR. ARGENIO
MR. PETRO

AYE
AYE

DISCUSSION

MR. BABCOCK: I have one quick thing, Mr. Chairman. Peter Kean from Brittany Terrace Mobile Home Park, he's working with us, working getting his extensions done, he's got an approval from the Department of Health for a new well which I understand is already drilled. Now he wants to build a building for a, to treat water in this well.

MR. PETRO: Size?

MR. BABCOCK: It's not indicated here, it's a small building for, you know, a well building so he can put chlorinators in, he sent me this letter saying that the Health Department's approved it and he wants to get a building permit to do it. It's a treatment for 13 lots and I assume it's for the 13 lots that he's going to get approval from this board. I was wondering if this board has any objection to him proceeding or wait for the proper approvals from this board?

MR. PETRO: Well, I have an objection. I'd like to, if he's going to build a building, we should at least know the dimensions. If he's going to buy a Mr. Shed and put it over top the well and utilize it, we can look at that or if he's building a 10 x 12, you say yes, he can come in with a 30 x 40 building.

MR. SCHLESINGER: Why is it going to have to be treated?

MR. BABCOCK: I'm assuming because it's more than one family well, it's regulated by the Health department.

MR. EDSALL: It's a community water system.

MR. SCHLESINGER: The lots that he's planning on building the 13 lots that was previously approved?

MR. BABCOCK: No, I don't think he's received approval.

MR. SCHLESINGER: He put in a plan for 120 lots, is that part of that plan?

MR. BABCOCK: Yeah, apparently, he's got enough water for 13 units.

MR. SCHLESINGER: But he doesn't have approval for the 13 units.

MR. EDSALL: Right.

MR. SCHLESINGER: What comes first, the horse or the wagon?

MR. BABCOCK: That's correct.

MR. PETRO: I think when he comes in with the site plan for the 13 units, tell him to plot a small building on there and tell us what he's doing, then we'll look at it.

MR. BABCOCK: Fine.

MR. PETRO: No sense of building it now if you don't get an approval you don't need it, do you?

MR. BABCOCK: That's correct.

MR. EDSALL: I agree unless he's doing this as a back-up well system but he should tell us that if that's what he's doing.

MR. PETRO: And then at least give you dimensions.

MR. BABCOCK: He's probably submitted the dimensions but I don't have them.

MR. PETRO: Being that he has to come in anyway, let

him put it on there, we'll check setbacks, we can be creating a non-conformity there and not even know about it.

MR. BABCOCK: Fair enough.

MR. PETRO: Motion to adjourn?

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

10/27/03